

Court No. - 21

Case :- WRIT - C No. - 31993 of 2023

Petitioner :- Munendra Babu

Respondent :- State Election Commission U.P. And 4 Others

Counsel for Petitioner :- Bhanu Bhushan Jauhari, Rishi Bhushan Jauhari

Counsel for Respondent :- C.S.C., Tarun Agrawal

Hon'ble Manoj Kumar Gupta, Acting Chief Justice
Hon'ble Donadi Ramesh, J.

1. The petitioner had contested the election of President, Nagal Palika Parishad, Jalalabad, District Shahjapur, U.P. He has lost the election. He filed certain complaints before respondent No. 1 alleging commission of electoral offences.
2. The instant petition has been filed praying for a mandamus directing respondent No. 1 to make enquiry against the Returning Officer who is alleged to have committed electoral offences.
3. Shri Tarun Agrawal, learned counsel appearing on behalf of State Election Commission, on instructions, states that as per Section 13J(2), the electoral offences are to be enquired into by Chief Election Officer, Urban Local Bodies. He is an officer to be nominated/designated by the State Government in consultation with the State Election Commission. At present, by virtue of a notification issued under Section 12-B(2-A), the Director Local Bodies is designated as the Chief Election Officer (Urban Local Bodies). However, the State Election Commission is in process of withdrawing the said notification and would issue a new notification designating someone from within State Election Commission as the Chief Election Officer, Urban Local Bodies. He states that the aforesaid exercise is likely to be completed

within three weeks and soon thereafter complaint of the petitioner would be forwarded to the designated officer.

4. Having regard to the statement made by learned counsel appearing for State Election Commission, we **dispose of** the instant petition by providing that as soon as any officer is designated as the Chief Election Officer, Urban Local Bodies from within State Election Commission, the State Election Commission shall forward the complaint of the petitioner to the designated officer for making enquiry and taking action as may be warranted under law.

Order Date :- 12.12.2023
Mukesh Kr.

(Donadi Ramesh,J.) (Manoj Kumar Gupta,A.C.J.)